

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

**Christina Swartz,**

Plaintiff,

vs.

**Citizens Bank, National Association,**

Defendant.

Civil Action No. \_\_\_\_\_

Removal from  
Court of Common Pleas of  
Lackawanna County, Pennsylvania

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that Defendant Citizens Bank, N.A. (“Citizens Bank”), hereby removes this action from the Court of Common Pleas of Lackawanna County, Pennsylvania, to the United States District Court for the Middle District of Pennsylvania, pursuant to 28 United States Code sections 1331 (Federal Question) and 1441. The removal of this action is based on the following:

**PROCEDURAL BACKGROUND**

1. On February 5, 2020, Plaintiff Christina Swartz (“Plaintiff”) filed a complaint (“Complaint”) against Citizens Bank in the Court of Common Pleas of Lackawanna County, Pennsylvania, entitled *Christina Swartz v. Citizens Bank, National Association*, Case No. 2020-00840. A true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

2. The Complaint was served on February 8, 2020. Citizens Bank has not filed a responsive pleading in state court.

3. There have been no further pleadings in the State Court Action.

### **SUMMARY OF COMPLAINT**

4. Plaintiff alleges that Citizens Bank violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), by making an “unknown number” of calls to Plaintiff’s cell phone using an automatic telephone dialing system.

### **FEDERAL QUESTION JURISDICTION**

5. This action is a civil action over which this Court has subject matter jurisdiction under 28 United States Code sections 1331 and 1441 because the Complaint contains claims (specifically the TCPA) arising under the Constitution, laws, or treaties of the United States.

### **THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

6. Timely Removal. The Summons and Complaint were served on February 8, 2020. This Notice of Removal is timely in that it is filed within thirty (30) days upon Defendant’s receipt of the Complaint. 28 U.S.C. § 1446(b).

7. Removal to Proper Court. The case was filed in Lackawanna County, Pennsylvania, which is within this Court’s “district and division” pursuant to 28 U.S.C. § 1446(a).

8. Consent of all Defendants. Citizens Bank is the only named defendant in this action. Accordingly, all properly joined and served defendants have consented to this removal. 28 U.S.C. § 1446(b).

9. Pleadings and Process. Pursuant to 28 U.S.C. § 1446(a), copies of all pleadings and process served on Citizens Bank are attached hereto as **Exhibit 1**.

10. Notice. Citizens Bank is serving Plaintiff with written notice of the removal of this action and all supporting papers. 28 U.S.C. § 1446(d).

11. Signature. The Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. 28 U.S.C. § 1446(a).

12. Accordingly, this action is removable to the United States District Court for the Middle District of Pennsylvania.

WHEREFORE, Citizens Bank respectfully removes this action from the Court of Common Pleas of Lackawanna County to this Court pursuant to 28 United States Code sections 1331 and 1441.

Respectfully Submitted,

By /s/ Mark W. Fidanza

Mark W. Fidanza  
(Pa. ID 320930)  
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Citizens Bank, N.A.

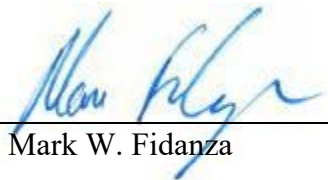
DATED: March 6, 2020

**CERTIFICATE OF SERVICE**

I, Mark W. Fidanza, certify that a true and correct copy of the foregoing Notice of Removal and all accompanying papers was is being served today upon the following counsel by email and U.S. Mail:

Brett M. Freeman  
Sabatini Freeman, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
*Attorneys for Plaintiff*

Dated: March 6, 2020

  
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Mark W. Fidanza